Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-C (i)

BANGALORE, TUESDAY, OCTOBER 10, 1967
(ASVIJA 18, SAKA ERA 1889).

No. 213

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 10th October 1967.

G. S. R. 444.—The following draft of the Mysore Excise (Tapping of Trees) Rules, 1967, which the Government of Mysore proposes to make in exercise of powers conferred by section 71 of the Mysore Excise Act, 1965 (Mysore Act No. 21 of 1966), and in supersession of all rules, orders and Notifications on the subject made or issued under any enactment repealed by section 72 of the said Act, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 25th October 1967.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the aforesaid date, will be considered by the Government of Mysore. Objections or suggestions may be addressed to the Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES

1. Title, extent and commencement.—(1) These rules may be called the Mysore Excise (Tapping of Trees) Rules, 1967.

(2) They shall extend to all the areas of the State where the Mysore Excise Act, 1965 is in force.

(3) They shall come into force at once.

2. Licensee not to tap certain trees.—Where a licence to sell date, palmyra, cocoanut, Bagini and Dadasal toddy has been issued, the licensee in the case of a licence to sell, date toddy shall not tap bagini trees and the licensee in the case of a licence to sell bagini toddy shall not tap date trees. Both such licensees may tap any other palm trees.

3. Assignment of trees.—Every licensee to sell toddy shall be assigned such Government trees from which he may tap toddy for being supplied to the licensed shop, subject to payment of tree tax and tree rent.

4. Tapping licence.—A licence to tap trees (hereinafter called the tapping licence) shall be issued subject to the following conditions, namely.—

(1) A tapping licence may be issued on the application of the (*a*) licensee to sell toddy or (*b*) his authorised agent.

(2) The application shall be made to the Excise Inspector in the prescribed form and shall be accompanied by the challan for having credited the first instalment of tree tax and tree rent in respect of the Government trees which he desires to tap for his shop.

(3) Where tapping is from private trees, the licensee shall obtain on the application the countersignature of the owner of such trees, as a token of his consent and willingness to pay the tree tax in case the licensee fails to pay. The application shall be attested by village officers. The

consent of the forest range Officer shall also be obtained in the case of trees located in forest areas.

(4) On the receipt of application, the Excise Inspector shall at once take steps for marking the trees and timely issuance of tapping licence and transport permits to the licensee.

(5) No trees shall be tapped nor toddy be drawn from them, until the trees have been marked. But trees may be prepared for tapping after tree tax is credited.

(6) In the case of date trees, tapping period shall be ordinarily four months but in special cases the Deputy Commissioner may grant extension which shall not exceed one month.

(7) In case of cocoanut trees, the tapping period shall be half yearly, *i.e.*, from 1st July or any subsequent date to 31st December and 1st January or any subsequent date to 30th June next. But under no condition tapping will be permitted beyond 30th June.

(8) Marking will be made during the fifteen days before 1st July, for convenience, but pots shall not be attached before the evening of 23rd June.

(9) Licensee shall return the tapping licence and transport permits to the concerned Excise Officer after their expiry.

(10) Toddy shall not be drawn or kept between sunset and sunrise by the licensee.

5. Deputy Commissioner's powers to prohibit.—The Deputy Commissioner, if he is of the opinion that trees in occupied lands should not be tapped, he may,

(i) refuse to grant tapping licence;

or

(ii) if such licence has already been granted, withdraw the licence and in such a case the licensee shall not be entitled to any Compensation.

6. **Conditions to be observed by licensees.**—(1) The Deputy Commissioner may prohibit the tapping of trees in the assigned groves to a licensee, if there is any dispute between the neighbouring licensees or for any other valid reasons.

(2) Trees within the radius of five kilometers from a town or eight kilometers from a city shall not be tapped by any other licensee except the concerned licensee of that town or city.

(3) The licensee shall not purchase toddy from any other toddy licensee except on application to the Excise Inspector who may grant the required permit on proof of necessity in the following cases, namely :—

(i) Where there is an unusual demand for toddy in a shop in consequence of a festival or for any other valid reason to be recorded by the Excise Inspector.

(ii) Where trees have ceased to yield during the last few days of a lease.

(iii) Where toddy drawn by one shop keeper at the end of the lease cannot reach the shop before first few days of the new lease.

(4) No toddy in excess of the produce of trees assigned shall be transported, kept or sold.

(5) The licensee shall be responsible for all the payments of tree tax and tree rent of the assigned trees.

(6) If any portion of the tree tax or tree rent is not paid within the stipulated time by the licensee, the tapping licence may be cancelled or suspended under section 29 of the Mysore Excise Act, 1965 and no fresh licence shall be issued till all the dues are paid.

(7) If, in spite of notice being served, the licensee fails to pay the arrears of tree tax or tree rent within the time limit, the licensee shall be liable for being prosecuted in the court of law for illicit tapping.

(8) The licensee shall credit the tree rent prescribed for every tree belonging to Government in the Government Treasury along with the tree tax.

(9) The tapping of the trees shall be subject to the following conditions,. namely :—

(*a*) tree shall be tapped only by professional men experienced in tapping ;

(*b*) no date trees shall be tapped oftener than once in three years or for more than four months in the year. But the Deputy Commissioner may allow them to be tapped in alternate years if in his opinion the tapping is necessary for want of other trees ;

(*c*) the trees shall not be overtapped or tapped every day, but alternate days during the currency of the tapping permit ;

(*d*) no initial incision shall be made in the case of date trees at any point within two metres from the foot of the tree or forty-five centimetres from the top of any other incision ;

(*e*) the depth and width of the incision shall not be more than one-third of the diameter of the tree at the point of incision and the length of the incision shall not exceed twenty centimetres ;

(*f*) the central spike-like cluster shall not be touched. Not less than eight leaves shall be left excluding the central spike-like cluster on that face of the tree on which incision is made, above the top line of the incision ;

(*g*) the licensee shall not cut or incure or permit to be cut or injured the trees licensed to him ;

(*h*) the licensee shall not prepare or make incision into the date tree licensed to him that will cause its death ;

(i) the licensee shall not be entitled to any compensation (*i*) if his licensed trees are withdrawn for pubbic purposes;

(*ii*) if his shop or shops are re-sold due to non-payment of Government dues.

(10) The licensee shall not interfere with the persons holding licence for cutting date leaves for making mats, ropes, baskets or for agriculture and other purposes.

(11) Adulteration of toddy or distillation of spirit from toddy is prohibited.

(12) The toddy drawn for one shop shall not be mixed up with that for the other or transported in one receptacle, unless, the licensee of a group of shops obtains a permission to maintain a Depot, where toddy will be collected and distributed to different shops according to the transport permits for such shops. No distribution of the toddy shall be made to the shops *en route* during transportation, before coming to the depot.

(13) Toddy shall be sold only at the licensed premises and not anywhere else.

(14) The licensee or his licensed vendor shall not sell to any person, toddy more than the quantity allowed at a time.

(15) The licensee shall furnish all facilities to the Excise Officer for his inspection of the shop or in the groves.

7. Tree Tax and Tree Rent.—The licensee to sell toddy shall pay tree tax and tree rent at the following rates, namely :—

(i) **Tree Tax per tree :**

(a) Date tree	Rs. 7–50 for 4 months.
(b) Cocoanut tree	Rs. 8–50 Half yearly.
(c) Palmyra tree	Rs. 7–50 per year.
(d) Ragini tree	Rs. 5–00 per year.
(e) Dadasal	Rs. 3–00 per year.

(ii) **Tree Rent.**—The tree rent shall be Rs. 1-75 per tree.

8. **Manner of payment.**—The tree tax and tree rent shall be paid in the following instalments unless the Excise Commissioner otherwise directs.

Provided that tree tax and tree rent in respect of Bagini trees shall be paid in full at the time of application for tapping licence only.

Period within which licence is applied.	Proportion of tree tax and tree rent to be paid at the time of application.	Proportion of tree tax and tree rent to be paid on 20th of the second month.
1. Between 1st July to end of February.	One half	The remaining half.
2. Between 1st March to end of June.	Whole	

[No. HD 78 EFL 67.]

By Order and in the name of the Governor of Mysore,

M. G. KRISHNA,
Under Secy. to Govt., Home Dept.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore